

REMARKS:

In the outstanding Office Action, claims 1-32 were rejected. Claims 1, 11, 14, 19, 25-32 have been amended for clarification. New claim 33 has been added. Thus, claims 1-33 are pending and under consideration. No new matter has been added. The rejections are traversed below.

REJECTION UNDER 35 U.S.C. §103(a):

Claims 1-32 are rejected under 35 U.S.C. §103(a) as being unpatentable over one more of the following: U.S. Patent No. 6,377,938('938), U.S. Patent No. 5,893,077('077) and U.S. Patent No. 6,058,170 ('170).

'938 discusses a real time subscriber billing system that calculates charges including taxes and flat rates related to a service after a subscriber's initiation of the service.

'077 discusses generating and collecting a billing event object for providing billing statements, where the event objects are created based on a customer triggered event, such as a file download, login, logoff, etc.

'170 discusses a bill generation system based on stored summary information that depend on summary parameters in a customer's profile.

The present invention is directed to an event pricing including for events that are created by a system that are independent of user initiated events such that the billing calculation is executed as the system created events occur.

The Examiner compares the '938 tariff memory storing information relating to charges for various types of services and taxes thereof with non-usage events of the present invention. The '938 tariff memory stores information related to charges for various types of services, i.e., the tariff, taxes and flat rate charges (see, column 6, lines 37-43 of '938). A processor calculates call charges in real time *during* a call, applying the duration of the call to the appropriate section of the tariff stored in the tariff memory (see, column 7, lines 56-63 of '938) and decrementing a subscriber's balance at appropriate intervals (see, column 8, lines 37-41 of '938). This means that the '938 tariff memory is triggered by a subscriber's call and charges/ decrements are applied to the subscriber's balance when the subscriber makes a call.

The Examiner rejects independent claims 29 and 30 based on the '077 apparatus for providing billing statements triggered by a customer's action. In '077, when a customer takes a particular action, such as downloading a file, an event object is created that can be used in a billing system to charge the customer for the file (see, column 2, lines 18-26 and column 13,

lines 3-11 and lines 50-57 of '077). Then, a billing server gathers the event objects and provides real-time on-line billing statements to the customer (see, column 6, lines 58-65 of '077). This means that, similar to the '938 system, the '077 apparatus is directed to executing billing statements by gathering event objects triggered when a user downloads a file, logs in, logs off, etc. (i.e. based on an action of the user).

In contrast, each of the independent claims 1, 11, 14, 19 and 25-32 as amended recite, an event pricing system and process for "a system initiated and created non-usage event[s] independent of user initiated events". This enables the implementation of real-time event pricing whether a user requests a service or not, thereby making available to the user an accurate up-to-date balance at all times. This is unlike the '938 tariff memory storing information relating to charges for various types of services and taxes and the '077 billing system executing billing when a customer takes a particular action (i.e. downloading, logging on, etc.), which are both triggered by a user's action or a user's request for service.

It is submitted that the independent claims 1, 11, 14, 19 and 25-32 are patentable over '938 and '077.

For at least the above-mentioned reasons, claims depending from independent claims 1, 11, 14, 19 and 25-32 are patentably distinguishable over '938 and '077. The dependent claims are also independently patentable. For example, as recited in claim 21, the "system initiated and created events are created according to a schedule in the system" and the schedule is created and maintained by the system "based on subscription information available in the system" (claim 22). This is unlike the '170 summary information stored in a summary database that is updated in real-time as calls are placed (see, column 3, lines 42-58 of '170). Thus, the combination of '938, '077 and '170 method does not teach or suggest, system initiated and created events "independent of user initiated events" (independent claim 19) that are created according to "a schedule in the system" (claim 21) where the schedule is created and maintained by the system "based on subscription information available in the system" (claim 22).

Therefore, withdrawal of the rejection is respectfully requested.

NEW CLAIM:

New claim 33 is added to emphasize that present invention includes, "executing the real-time calculation of the bill each time an event independent of a user's initiation occurs... independent of a billing process" and "continuously reflecting the event independent of the user's initiation on the bill and maintaining a summary total for the bill", where the bill including

the event independent of the user's initiation is displayed to the user on-demand and/or is provided to the user in accordance with the billing process.

This allows real-time calculation of a bill "independent of a billing process" so that events independent of user initiated events are continuously billed, thereby reducing batch billing during a billing process.

It is respectfully submitted that new claim 33 is patentably distinguishable over the '938 tariff memory that relates to charges for various types of services rendered and taxes thereof and the '077 billing system executing billing when a customer takes a particular action (i.e. downloading, logging on, etc.).

CONCLUSION:

Accordingly, claims 1, 11, 14, 19, 25-32 have been amended for clarification. New claim 33 has been added. Thus, claims 1-33 are pending for which reconsideration is respectfully requested.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.


Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with the filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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